

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks.

**Disposition of Claims**

Claims 1, 6, 8, 9, 34, 64, 69, and 72-78 are pending in the application. Claims 1, 34, and 73 are independent. The remaining claims depend, directly or indirectly, from claims 1, 34, and 73.

**Examiner Interview**

Applicant thanks the Examiner for courtesies extended during the Examiner Interview conducted on July 31, 2008. During the Interview, the Applicant's Representative and the Examiner discussed the pending claims, the rejections in the Office Action mailed May 30, 2008, the argument presented in the Response filed on April 2, 2008, and the arguments presented in this reply. No agreement was reached at the close of the Examiner Interview.

**Response to Examiner's Response to Arguments**

- (i) Machine Id not equivalent to Microprocessor Id -- Specifically, the pending claims recite that the microprocessor identity uniquely identifies the microprocessor. In contrast, the machine Id uniquely identifies the user's machine and not the microprocessor in the machine (*see* Cooper, col. 9, ll. 15-16). Moreover, the pending claims require that the microprocessor identity for the microprocessor does not change (as it is "etched into the microprocessor"). In contrast, a machine Id is derived each time trail software is to be provided by a vendor for

execution on a machine. As described in Cooper, each time the machine Id is generated, a random number generator is used during the generation process (*See e.g.*, Cooper, FIG. 12). Accordingly, the machine Id for the same machine will necessarily be different each time the machine Id is generated as the machine Id is generated using a random number generator. In view of the above, the machine Id cannot be equivalent to the claimed microprocessor identity as the machine changes overtime and does not uniquely identify the microprocessor.

- (ii) Machine Id is not used to encrypt digital identity data – At the outset, the Applicants assert that Cooper does not teach or suggest digital identity data as defined in the pending claims. Specifically, independent claim 1 recites, in part, “wherein the digital identity data identifies an owner of the digital identity device.” To support the rejection under 35 U.S.C. § 103, the Examiner cited Cooper, col. 14, ll. 21-22 (Office Action mailed May 30, 2008, p. 4). The aforementioned cited portion of Cooper merely discloses unique attributes of the system with any disclosure of data that identifies the owner of the system.

Even assuming arguendo that Cooper discloses digital identity data, Cooper does not disclose encrypting the digital identity data with the machine Id. Specifically, the Examiner asserts that Cooper at col. 15, l. 62 - col. 16, l. 5) teaches encrypting the digital identity data using an algorithm that uses the microprocessor identity<sup>1</sup> (Office Action mailed May 30, 2008, p. 2). The Applicant disagrees. Specifically, the aforementioned portion of Cooper discloses encrypting the key file 397 (which the Examiner asserts is equivalent to the digital

---

<sup>1</sup> Applicant notes that the recitation of the limitation in the Office Action, see e.g., pp. 2 and 4, is not consistent with the recitation of the limitation in the pending claims. The recitation in the Office Action states that the microprocessor

identity data) with a key 401. The key 401 is derived from unique system attributes (in a manner similar to how the machine Id is derived). However, the key 401 is not the machine Id nor does the key 401 include the machine Id. In view of this, Cooper fails to disclose "encrypting the digital identity data using an algorithm that uses the microprocessor identity."

- (iii) Cooper and Ward cannot be combined – "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 21430.1 (V). Cooper is directed to the runtime generation of machine Ids using a random number generator. The machine Id of Cooper is not known prior to its generation using the random number generator. Ward is directed to etching the identification information on to components prior to their use in computer systems. The proposed modification of Cooper to etch the machine Id onto the microprocessor would render the invention of Cooper unsatisfactory for its intended purpose. Specifically, etching of the machine Id onto the microprocessor would defeat the runtime aspect of Cooper, which relies on the machine Id to be generated on a machine the customer is using at the time the temporary software license is sought.

---

identity is encrypted by the digital identity data. However, this is the opposite of the claim language which states that the digital identity data is encrypted using the microprocessor identity.

**Rejections under 35 U.S.C. §103**

Claims 1, 8, 9, and 69

Claims 1, 8, 9, and 69 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,689,560 ("Cooper") in view of U.S. Patent No. 6,083,771 ("Ward"). The rejection is respectfully traversed.

Specifically, the Applicant, in addition to the arguments presented above, reasserts the arguments presented in the Response filed on April 2, 2008. In view of the aforementioned arguments, the aforementioned claims are patentable over the prior art and, accordingly, withdrawal of this rejection is respectfully requested.

Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper and Ward in view of an article entitled "The Trustworthy Digital Camera: Restoring Credibility To the Photographic Image" ("Friedman"). This rejection is respectfully traversed.

Specifically, the Applicant, in addition to the arguments presented above, reasserts the arguments presented in the Response filed on April 2, 2008. In view of the aforementioned arguments, the aforementioned claims are patentable over the prior art and, accordingly, withdrawal of this rejection is respectfully requested.

Claims 34, 64, 72-74

Claims 34, 64, 72-74 stand rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper, Ward, U.S. Patent No. 6,567,915 ("Guthery"), U.S. Patent No. 6,111,506 ("Yap"), and U.S. Patent No. 6,847,948 ("Paolini"). The rejection is respectfully traversed.

Specifically, the Applicant, in addition to the arguments presented above, reasserts the arguments presented in the Response filed on April 2, 2008. In view of the aforementioned arguments, the aforementioned claims are patentable over the prior art and, accordingly, withdrawal of this rejection is respectfully requested.

Claim 75

Claim 75 stands rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper, Ward, U.S. Patent No. 6,567,915 ("Guthery"), U.S. Patent No. 6,111,506 ("Yap"), and U.S. Patent No. 6,847,948 ("Paolini"). The rejection is respectfully traversed.

Specifically, the Applicant, in addition to the arguments presented above, reasserts the arguments presented in the Response filed on April 2, 2008. In view of the aforementioned arguments, the aforementioned claims are patentable over the prior art and, accordingly, withdrawal of this rejection is respectfully requested.

**New Claims**

New claims 76-78 have been added by this reply. Support for the new claims may be found, for example, on pages 7 and 11 of the originally filed application. No new matter has been added by any of the aforementioned amendments.

Applicant asserts the new claims are patentable over the cited prior art references. Accordingly, favorable action in the form of a Notice of Allowability is respectfully requested.

### Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

Dated: August 22, 2008

Respectfully submitted,

By



T. Chyau Liang, Ph.D.  
Registration No.: 48,885  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant